UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/CONF.164/6
3 May 1993

ORIGINAL: ENGLISH

UNITED NATIONS CONFERENCE ON
STRADDLING FISH STOCKS AND
HIGHLY MIGRATORY FISH STOCKS

RULES OF PROCEDURE

93-24963 (E) 180593

200593

/...

RULES OF PROCEDURE

I. REPRESENTATION AND CREDENTIALS

Composition of delegations

Rule 1

The delegation of each State participating in the Conference shall consist of accredited representatives and such alternate representatives and advisers as may be required.

Participation of the European Economic Community 1/

Rule 2

The representatives of the European Economic Community shall participate in the Conference in matters within its competence without the right to vote. Such representation shall in no case entail an increase of the representation to which the States members of the European Economic Community would otherwise be entitled.

Alternates and advisers

Rule 3

The head of delegation may designate an alternate representative or an adviser to act as a representative.

Submission of credentials

Rule 4

1. The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Secretary-General of the United Nations, if possible not later than 24 hours after the opening of the Conference. The credentials shall be issued either by the Head of the State or Government or by the Minister for Foreign Affairs.

2. The credentials of the representatives of the European Economic Community shall be issued by the President of the Commission of the European Communities.

Credentials Committee

Rule 5

A Credentials Committee of nine members shall be appointed at the beginning of the Conference. Its composition shall be based on that of the Credentials

Committee of the General Assembly of the United Nations at its forty-seventh session. It shall examine the credentials of representatives and report to the Conference without delay.

Provisional participation in the Conference

Rule 6

Pending a decision of the Conference upon their credentials, representatives shall be entitled to participate provisionally in the Conference.

II. OFFICERS

Elections

Rule 7

The Conference shall elect from among the representatives of States participating in the Conference the following officers: a Chairman and four Vice-Chairmen. These officials shall be elected giving due regard to equitable geographic representation. The Conference may also elect such other officers as it deems necessary for the performance of its functions.

General powers of the Chairman

Rule 8

1. In addition to exercising the powers conferred upon him elsewhere by these rules, the Chairman shall preside at the plenary meetings of the Conference, declare the opening and closing of each meeting, direct the discussions at such meetings, accord the right to speak, put questions to the vote and announce decisions. The Chairman shall rule on points of order and, subject to these rules, shall have complete control of the proceedings and over the maintenance of order thereat. The Chairman may propose to the Conference the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each representative may speak on a question, the adjournment or closure of the debate and the suspension or the adjournment of a meeting.

2. The Chairman, in the exercise of his functions, remains under the authority of the Conference.

Acting Chairman

Rule 9

1. If the Chairman is absent from a meeting or any part thereof, he shall designate one of the Vice-Chairmen to take his place.

2. A Vice-Chairman acting as Chairman shall have the same powers and duties as the Chairman.

Replacement of the Chairman

Rule 10

If the Chairman is unable to perform his functions, a new Chairman shall be elected.

Voting rights of the Chairman

Rule 11

The Chairman, or a Vice-Chairman acting as a Chairman, shall not vote in the Conference, but may appoint another member of his delegation to vote in his place.

III. SECRETARIAT OF THE CONFERENCE

Duties of the Secretary-General of the United Nations

Rule 12

1. The Secretary-General of the United Nations shall act in that capacity in all meetings of the Conference and its subsidiary bodies.

2. The Secretary-General of the United Nations may designate a member of the secretariat to act in his place at these meetings.

3. The Secretary-General of the United Nations shall provide and direct the staff required by the Conference.

Duties of the secretariat

Rule 13

The secretariat of the Conference shall, in accordance with these rules:

(a) Interpret speeches made at meetings;

(b) Receive, translate, reproduce, publish and circulate the documents of the Conference;

(c) Make and arrange for the keeping of sound recordings;

(d) Arrange for the custody and preservation of the documents of the Conference in the archives of the United Nations;

(e) Generally perform all other work that the Conference may require.

Statements by the secretariat

Rule 14

The Secretary-General of the United Nations, his representative or any member of the secretariat designated by either for that purpose may, at any time, make either oral or written statements concerning any question under consideration.

Invitations to technical or legal advisers

Rule 15

The Conference may invite through the secretariat to one or more of its meetings or to the meetings of its subsidiary bodies any person whose technical or legal advice it may consider useful for its work.

IV. OPENING OF THE CONFERENCE

Temporary Chairman

Rule 16

The Secretary-General of the United Nations or, in his absence, his representative shall open the first meeting of the Conference and preside until the Conference has elected its Chairman.

Decisions concerning organization

Rule 17

The Conference shall at its first meeting:

(a) Elect its Chairman;

(b) Adopt its rules of procedure;

(c) Adopt its agenda, the draft of which shall, until such adoption, be the provisional agenda of the Conference;

(d) Elect its officers other than the Chairman;

(e) Decide on the organization of its work.

V. CONDUCT OF BUSINESS

Quorum

Rule 18

The Chairman may declare a meeting open and permit the debate to proceed when at least one third of the representatives of the States participating in the Conference are present. The presence of representatives of a majority of the States so participating shall be required for any decision to be taken.

Speeches

Rule 19

1. No one may address the Conference without having previously obtained the permission of the Chairman. Subject to rules 20, 21 and 24 to 26, the Chairman shall call upon speakers in the order in which they signify their desire to speak. The secretariat shall be in charge of drawing up a list of speakers.

2. Debate shall be confined to the question before that meeting of the Conference and the Chairman may call a speaker to order if his remarks are not relevant to the subject under discussion.

3. The Conference may limit the time allowed to each speaker and the number of times each participant may speak on any question. Permission to speak on a motion to set such limits shall be accorded only to two representatives in favour of and to two opposing such limits, after which the motion shall be immediately put to the vote. In any event, with the consent of the Conference, the Chairman shall limit each intervention on procedural matters to five minutes. When the debate is limited and a speaker exceeds the allotted time, the Chairman shall call him to order without delay.

Points of order

Rule 20

During the discussion of any matter, a representative may at any time raise a point of order, which shall be immediately decided by the Chairman in accordance with these rules. A representative may appeal against the ruling of the Chairman. The appeal shall be immediately put to the vote, and the Chairman's ruling shall stand unless overruled by a majority of the representatives present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

Precedence

Rule 21

Officers of subsidiary bodies may be accorded precedence for the purpose of explaining the conclusions arrived at by the body concerned.

Closing of list of speakers

Rule 22

During the course of a debate, the Chairman may announce the list of speakers and, with the consent of the Conference, declare the list closed.

Right of reply

Rule 23

1. Notwithstanding rule 22, the Chairman shall accord the right of reply to a representative of any State participating in the Conference or of the European Economic Community who requests it. Any other representative, except those referred to in rule 60, may be granted the opportunity to make a reply.

2. The statements made under this rule shall normally be made at the end of the last meeting of the day, or at the conclusion of the consideration of the relevant item if that is sooner.

3. The representatives of a State or of the European Economic Community may make no more than two statements under this rule at a given meeting on any item. The first shall be limited to five minutes and the second to three minutes; representatives shall in any event attempt to be as brief as possible.

Adjournment of debate

Rule 24

A representative may at any time move the adjournment of the debate on the question under discussion. In addition to the proposer of the motion, permission to speak on the motion shall be accorded only to two representatives in favour and to two opposing the adjournment, after which the motion shall, subject to rule 27, be immediately put to the vote.

Closure of debate

Rule 25

A representative may at any time move the closure of the debate on the question under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the motion shall be accorded only to

two representatives opposing the closure, after which the motion shall, subject to rule 27, be immediately put to the vote.

Suspension or adjournment of the meeting

Rule 26

Subject to rule 38, a representative may at any time move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted and they shall, subject to rule 27, be immediately put to the vote.

Order of motions

Rule 27

The motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the question under discussion;

(d) To close the debate on the question under discussion.

Submission of proposals and substantive amendments

Rule 28

Proposals and substantive amendments shall normally be submitted in writing to the secretariat of tne Conference, which shall circulate copies to all delegations. Unless the Conference decides otherwise, substantive proposals shall be discussed or put to a decision no earlier than 24 hours after copies have been circulated in all languages of the Conference to all delegations. The Chairman may, however, permit the discussion and consideration of amendments, even though these amendments have not been circulated or have only been circulated the same day.

Withdrawal of proposals and motions

Rule 29

A proposal or a motion may be withdrawn by its sponsor at any time before a decision on it has been taken, provided that it has not been amended. A proposal or a motion thus withdrawn may be reintroduced by any representative.

Invocation of certain rules by the European Economic Community and its member States

Rule 30

No representative of the European Economic Community shall invoke rules 20, 24, 25, 26, 28 and 29 if those rules have already been invoked on the same matter by any of its member States. No representative of the States members of the Community shall invoke any of the above-mentioned rules if a representative of the Community has already done so on the same matter.

Decisions on competence

Rule 31

Subject to rule 27, any motion calling for a decision on the competence of the Conference to adopt a proposal submitted to it shall be put to the vote before a decision is taken on the proposal in question.

Reconsideration of proposals

Rule 32

When a proposal has been adopted or rejected, it may not be reconsidered unless the Conference, by a two-thirds majority of the representatives present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing reconsideration, after which the motion shall be immediately put to the vote.

VI. DECISION-MAKING

General agreement

Rule 33

The Conference should conduct its work on the basis of general agreement. It may proceed to a vote in accordance with rule 35 only after all efforts at achieving general agreement have been exhausted. Before doing so, the Chairman shall inform the Conference that all efforts at achieving general agreement have been exhausted.

Voting rights

Rule 34

Each State participating in the Conference shall have one vote.

Majority required

Rule 35

1. Subject to rule 33, decisions of the Conference on all matters of substance shall be taken by a two-thirds majority of the representatives present and voting.

2. Except as otherwise provided in these rules, decisions of the Conference on all matters of procedure shall be taken by a majority of the representatives present and voting.

3. If the question arises whether a matter is one of procedure or of substance, the Chairman of the Conference shall rule on the question. An appeal against this ruling shall be put to the vote immediately, and the Chairman's ruling shall stand unless overruled by a majority of the representatives present and voting.

4. If a vote is equally divided the proposal or motion shall be regarded as rejected.

Meaning of the phrase "representatives present and voting"

Rule 36

For the purpose of these rules, the phrase "representatives present and voting" means representatives of States participating in the Conference casting an affirmative or negative vote. Representatives who abstain from voting shall be regarded as not voting.

Method of voting

Rule 37

1. Except as provided in rule 44, the Conference shall normally vote by show of hands, except that a representative may request a roll-call, which shall then be taken in the English alphabetical order of the names of the States participating in the Conference, beginning with the delegation whose name is drawn by lot by the Chairman. The name of each State shall be called in all roll-calls, and its representative shall reply "yes", "no" or "abstention".

2. When the Conference votes by mechanical means, a non-recorded vote shall replace a vote by show of hands and a recorded vote shall replace a roll-call. A representative may request a recorded vote, which shall, unless a representative requests otherwise, be taken without calling out the names of the States participating in the Conference.

3. The vote of each State participating in a roll-call or a recorded vote shall be inserted in any report on the meeting.

Conduct during voting

Rule 38

After the Chairman has announced the commencement of voting, no representative may interrupt the voting, except on a point of order in connection with the process of voting.

Explanation of vote

Rule 39

Representatives may make brief statements consisting solely of explanations of vote, before the voting has commenced or after the voting has been completed. The Chairman may limit the time to be allowed for such explanations. The representative of a State sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended.

Division of proposals

Rule 40

A representative may move that parts of a proposal be decided on separately. If a representative objects, the motion for division shall be voted upon. Permission to speak on the motion shall be accorded only to two representatives in favour of and to two opposing the division. If the motion is carried, those parts of the proposal that are subsequently approved shall be put to the Conference for decision as a whole. If all operative parts of the proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

Amendments

Rule 41

A proposal is considered an amendment to another proposal if it merely adds to, deletes from or revises part of that proposal. Unless specified otherwise, the word "proposal" in these rules shall be considered as including amendments.

Order of voting on amendments

Rule 42

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Conference shall vote first on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another

amendment, the latter shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.

Order of voting on proposals

Rule 43

1. If two or more proposals, other than amendments, relate to the same question, they shall, unless the Conference decides otherwise, be voted upon in the order in which they were submitted. The Conference may, after each vote on a proposal, decide whether to vote on the next proposal.

2. Revised proposals shall be voted upon in the order in which the original proposals were submitted unless the revision substantially departs from the original proposal. In that case, the original proposal shall be considered as withdrawn and the revised proposal shall be treated as a new proposal.

3. A motion requiring that no decision be taken on a proposal shall be put to the vote before a decision is taken on the proposal in question.

Elections

Rule 44

All elections shall be held by secret ballot unless, in the absence of any objection, the Conference decides to proceed without taking a ballot when there is an agreed candidate or slate.

Rule 45

1. When one or more elective places are to be filled at one time under the same conditions, those candidates, in a number not exceeding the number of such places, obtaining in the first ballot a majority of the votes cast and the largest number of votes, shall be elected.

2. If the number of candidates obtaining such majority is less than the number of places to be filled, additional ballots shall be held to fill the remaining places.

VII. SUBSIDIARY BODIES

Establishment of subsidiary bodies

Rule 46

1. In addition to the Credentials Committee, the Conference may establish such subsidiary bodies as it deems necessary for the performance of its functions.

2. Subject to rule 5, the composition and competence of each subsidiary body will be determined by the Conference.

Rules of procedure of subsidiary bodies

Rule 47

Unless otherwise decided by the Conference, these rules apply, mutatis mutandis, to the subsidiary bodies, except that:

(a) Subject to subparagraph (b), the presiding officer of a subsidiary body may declare a meeting open and permit the debate to proceed when representatives of at least one quarter of the States participating in the subsidiary body are present. The presence of representatives of a majority of the States so participating shall be required for any decision to be taken;

(b) A majority of the representatives of the Credentials Committee shall constitute a quorum;

(c) The presiding officers of the subsidiary bodies may exercise the right to vote, provided that they are representatives of States participating in the Conference;

(d) Decisions of subsidiary bodies shall be taken by a majority of the representatives present and voting, except that the reconsideration of a proposal or an amendment shall require the majority established by rule 32.

VIII. LANGUAGES AND RECORDINGS

Languages of the Conference

Rule 48

Arabic, Chinese, English, French, Russian and Spanish shall be the languages of the Conference.

Interpretation

Rule 49

1. Speeches made in a language of the Conference and of its subsidiary bodies shall be interpreted into the other such languages.

2. A representative may speak in a language other than a language of the Conference if the delegation concerned provides for interpretation into one such language.

Languages of official documents

Rule 50

Official documents of the Conference shall be made available in the languages of the Conference.

Sound recordings of meetings

Rule 51

Unless otherwise decided, sound recordings of meetings of the Conference shall be made and kept in accordance with the practice of the United Nations.

IX. PUBLIC AND PRIVATE MEETINGS

General principles

Rule 52

Unless otherwise decided, the plenary meetings of the Conference shall be held in public. All decisions taken by the plenary of the Conference at a private meeting shall be announced at an early public meeting of the plenary.

Rule 53

As a general rule, meetings of subsidiary bodies shall be held in private.

Communiqués on private meetings

Rule 54

At the close of a private meeting, the presiding officer of the body concerned may issue a communiqué through the secretariat.

X. OTHER PARTICIPANTS AND OBSERVERS

Representatives of organizations that have received a standing invitation from the General Assembly to participate in the capacity of observers in the sessions and work of all international conferences convened under its auspices

Rule 55

Representatives designated by organizations that have received a standing invitation from the General Assembly to participate in the sessions and work of all international conferences convened under its auspices have the right to

participate as observers, without the right to vote, in the deliberations of the Conference and, as appropriate, of its subsidiary bodies.

Representatives of national liberation movements

Rule 56

Representatives designated by national liberation movements invited to the Conference may participate as observers, without the right to vote, in the deliberations of the Conference and, as appropriate, of its subsidiary bodies on any matter of particular concern to those movements.

Representatives of the specialized agencies 2/

Rule 57

Representatives designated by the specialized agencies may participate, without the right to vote, in the deliberations of the Conference and, as appropriate, of its subsidiary bodies on questions within the scope of their activities.

Representatives of other intergovernmental organizations

Rule 58

Save where otherwise specifically provided with respect to the European Economic Community in these rules, representatives designated by other intergovernmental organizations invited to the Conference, including regional and subregional fisheries organizations, may participate as observers, without the right to vote, in the deliberations of the Conference and, as appropriate, of its subsidiary bodies on questions within the scope of their activities.

Representatives of interested United Nations organs and bodies

Rule 59

Representatives designated by interested organs and bodies of the United Nations may participate as observers, without the right to vote, in the deliberations of the Conference and, as appropriate, of its subsidiary bodies on questions within the scope of their activities.

Representatives of non-governmental organizations

Rule 60

1. Non-governmental organizations invited to the Conference may designate representatives to participate as observers at public meetings of the Conference and its subsidiary bodies, as appropriate.

2. Upon the invitation of the presiding officer of the body concerned and subject to the approval of that body, such observers may make brief oral statements on questions in which they have special competence. In order to facilitate the making of such statements when the number of requests is too large, the Conference shall request the non-governmental organizations to form themselves into constituencies, each constituency to speak through one spokesperson.

Representatives of associate members of regional commissions

Rule 61

Representatives designated by associate members of regional commissions may participate as observers, without the right to vote, in the deliberations of the Conference and, as appropriate, of its subsidiary bodies.

Written statements

Rule 62

Written statements and other material for information relevant to the work of the Conference submitted by the designated representatives referred to in rules 55 to 61 shall be distributed by the secretariat to all delegations in the quantities and in the language in which the statements and material are made available to it at the site of the Conference, provided that a statement or material submitted on behalf of a non-governmental organization or organizations is related to the work of the Conference and is on a subject in which it or they have a special competence.

XI. SUSPENSION AND AMENDMENT OF THE RULES OF PROCEDURE

Method of suspension

Rule 63

Any of these rules may be suspended by the Conference provided that 24 hours' notice of the proposal for the suspension has been given, which may be waived if no representative objects. Any such suspension shall be limited to a specific and stated purpose and to a period required to achieve that purpose.

Method of amendment

Rule 64

These rules may be amended by a decision of the Conference taken by a two-thirds majority of the representatives present and voting.

Notes

1/ This rule is agreed upon in view of the fact that, with regard to the conservation and management of the sea fishing resources, States members of the European Economic Community have transferred competence to the Community, and in no way does it constitute a precedent for other United Nations forums where a similar transfer of competence does not occur. (See Declaration of the European Economic Community upon signing the United Nations Convention on the Law of the Sea. Multilateral Treaties deposited with the Secretary-General (ST/LEG/SER.E/10), p. 801.)

2/ For the purpose of these rules, the term "specialized agencies" includes the International Atomic Energy Agency and the General Agreement on Tariffs and Trade.

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/CONF.164/7
4 May 1993

ORIGINAL: ENGLISH

UNITED NATIONS CONFERENCE ON
STRADDLING FISH STOCKS AND
HIGHLY MIGRATORY FISH STOCKS
Organizational session
New York, 19-23 April 1993

STATEMENT MADE BY THE CHAIRMAN OF THE CONFERENCE AT THE OPENING OF THE ORGANIZATIONAL SESSION, HELD ON 19 APRIL 1993

This is an important Conference. Its significance lies not only in the subject-matter that it is to consider, but also in the fact that this is the first conference that is convened by the international community in order to address problems that have arisen directly from the implementation of the 1982 United Nations Convention on the Law of the Sea.

The problems of high seas fishing which this Conference is asked to address are not new. They were known to the participants of the Third United Nations Conference on the Law of the Sea, but attempts to deal with them at that time were not very successful, largely because they were not then seen as urgent. Participants were content to leave such problems to be resolved through the goodwill of States and cooperation among those concerned with high seas fishing in the different regions of the world.

However, events in the last decade and more have clearly indicated that with the advent of the exclusive economic zone, the pressure on high seas fishing has grown rapidly, and the problems have become more urgent than they were at the time when the Convention was being negotiated. In a recent report prepared for its Committee on Fisheries (15-19 March 1993), the Food and Agriculture Organization of the United Nations (FAO) noted that:

> "In many high seas areas, inadequate management and over-fishing are recognized as major problems. The need to control and reduce fishing fleets operating on the high seas is now being internationally admitted because excessive fishing is endangering the very sustainability of high seas fishery resources."

It should be noted that there is a general concern over the sustainability of the world's fishery resources. The 1982 United Nations Convention on the Law of the Sea requires that all living marine resources, whether under coastal State jurisdiction or on the high seas, should be subject to sound management practice. Attention has focused on high seas fishing at several regional and global forums because of the absence of, or the difficulty in, establishing comprehensive, internationally agreed management regimes governing the use of high seas living resources.

There were a series of events before the United Nations Conference on Environment and Development (UNCED) concluded last June that indicated that an international conference should be convened to resolve the issues of concern in relation to high seas fishing. These issues have been the subject of discussion at regional levels, including in regional fisheries organizations. They have been the focus of discussion in the FAO's Committee on Fisheries. In 1991, the United Nations convened a meeting of a group of experts in order to prepare a study on the problems of the implementation of the high seas fisheries provisions in the Convention on the Law of the Sea. The issues were raised at successive meetings of the Preparatory Committee for UNCED. An important milestone in these series of events was the convening by the Government of Mexico, in collaboration with FAO, of an International Conference on Responsible Fishing. This Conference in May 1992 adopted the Declaration of Cancun which, inter alia, stated that:

> "States should cooperate on bilateral, regional and multilateral levels to establish, reinforce and implement effective means and mechanisms to ensure responsible fishing on the high seas, in accordance with the relevant provisions of the United Nations Convention on the Law of the Sea." (A/CONF.151/15, annex, para. 11)

This Declaration has other provisions relevant to the management and utilization of high seas fisheries. In the broader context of fisheries, it also asked for the preparation by FAO of an international code of conduct for responsible fishing.

In deciding to convene this international Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, the United Nations Conference on Environment and Development, in chapter 17.C of Agenda 21, which deals with the programme area on "sustainable use and conservation of marine living resources of the high seas", has also indicated its mandate. This mandate was endorsed by the General Assembly in its resolution 47/192 of 22 December 1992, in particular, in paragraphs 1, 2 and 3.

In summary, the mandate is for this Conference to be convened

> "with a view to promoting effective implementation of the provisions of the United Nations Convention on the Law of the Sea on straddling fish stocks and highly migratory fish stocks, and that it, drawing, inter alia, on scientific and technical studies by the Food and Agriculture Organization of the United Nations, should:
>
> "(a) Identify and assess existing problems related to the conservation and management of such fish stocks;

"(b) Consider means of improving fisheries cooperation among States; and

"(c) Formulate appropriate recommendations." (Resolution 47/192, para. 2)

Further, the mandate states that the work and results of the Conference should be fully consistent with the provisions of the United Nations Convention on the Law of the Sea.

The specific provisions on straddling fish stocks and highly migratory fish stocks are to be found in article 63, paragraph 2, and article 64, respectively, of the 1982 Convention. These articles, together with article 87 on freedom of the high seas, which is to be exercised under the conditions laid down in the Convention and other rules of international law, and with section 2 of part VII of the Convention, establish the relevant regime for high seas fishing. (Section 2 of part VII deals with the conservation and management of the living resources of the high seas.)

The problems of straddling fish stocks and of highly migratory fish stocks concern the interests of coastal States, as well as that of high seas fishing States. The coastal States have the responsibility for the conservation and management of resources within their exclusive economic zones. The high seas fishing States, together with coastal States concerned, have the duty to conserve and manage the living resources of the high seas. Given the nature of these fish stocks, the problems of high seas fishing can only be resolved through cooperation and collaboration, as is envisaged in the Convention.

It is clear from the mandate that this Conference is not about the extension of national jurisdiction or the abridgement of the right of States to fish in the high seas in accordance with the Convention. Nor is it a Conference for intrusion on, or the derogation of, the sovereign rights of coastal States in their exclusive economic zones. It is a Conference, however, to resolve the festering problems of high seas fishing in order to give full and faithful effect to the very delicately balanced provisions of the Convention, so that high seas fishery can continue to produce maximum sustainable yield, having regard to the environmental, economic and other factors as provided for in the Convention, and without the kind of conflicts that have resulted in the convening of this Conference.

As we proceed to consider the issues in the mandate of the Conference, I am certain that we will benefit considerably from the experience of regional fisheries bodies represented here. The Food and Agriculture Organization of the United Nations has already done considerable work on issues relevant to the mandate of this Conference. It is especially requested to make contributions to our work on technical issues. We will, of course, welcome such contributions, and on your behalf, I would like to thank FAO in advance for them. Finally, represented at this Conference as observers are a number of non-governmental organizations. We will also have the benefit of their perspective.

Work programme

I should like to make a few remarks about the future work of this session.

We have only one week to complete the organization of this Conference. I wanted to indicate to you, subject to your guidance, how I propose the Conference should proceed in the next five days on the basis of the provisional agenda before us.

1. I propose that we begin to consider the rules of procedure today. However, since we have only just received the draft rules this morning, and, like you, I would like some time to study them, we will therefore begin an examination of the rules at 3 this afternoon.

2. Following the adoption of the rules of procedure, we shall proceed to adopt the agenda for the Conference.

3. After that, we shall proceed to elect the remaining officers of the Bureau. In this respect, I would urge the Chairmen of the regional groups concerned to let me know as soon as possible the names of the candidates being nominated and the post for which they are being nominated by their respective groups. In this regard, should any group wish to meet for consultations this morning they could meet in this room immediately following the adjournment of this meeting.

4. Item 6 on the provisional agenda is "Organization of work".

I hope you will give some thought to this matter in anticipation of our discussion. To assist you in your preparation for this item, I would like to share with you the result of preliminary discussions I have had with some interested delegations. The view so far is that all substantive issues should remain under the responsibility of the plenary.

However, for the sake of efficiency, there will be a need to assign specific issues to ad hoc working groups at an appropriate time. For this purpose, the plenary may itself constitute a Working Group of the Whole. In this regard, a broad division could be made between policy-oriented issues and issues which though substantive have technical content. I am not inviting a discussion of this matter at this time. I expect that we shall take this up after the rules of procedure have been adopted.

I also take note of the wish of a number of delegations that there should be no more than two simultaneous meetings. We shall keep this in mind when scheduling meetings.

Looking down the road at the substantive session in July, I am informed that a number of Ministers and other high officials are likely to attend on that occasion.

I believe that at least the first three days of the substantive session will be devoted to a general debate.

I hope you will also give some thought to any background documentation that will be required for the substantive session so that we can inform the Secretariat from now on of our requirements.

5. As regards the appointment of the members of the Credentials Committee, I would urge regional groups to let me know of their nominations as soon as possible. The apportionment of seats is going to be the same as in the case of the General Assembly.

6. The final item on the provisional agenda is the consideration of the substantive issues before the Conference. This of course is for the substantive session in July.

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/CONF.164/8
4 May 1993

ORIGINAL: ENGLISH

UNITED NATIONS CONFERENCE ON
STRADDLING FISH STOCKS AND
HIGHLY MIGRATORY FISH STOCKS
Organizational session
New York, 19-23 April 1993

STATEMENT MADE BY THE CHAIRMAN OF THE CONFERENCE AT THE CLOSING OF THE ORGANIZATIONAL SESSION HELD ON 23 APRIL 1993

During the past week we have completed the organization of the Conference by electing a Chairman and other officers, with the exception of one Vice-Chairman, which we have deferred until the summer session. We have adopted the rules of procedure and the agenda for the Conference.

As regards the organization of work, the Conference was able to agree on how its substantive work will be carried out, and this is reflected in document A/CONF.164/3, to which your attention is drawn.

As part of the organization of work for the next session there is a request for the Chairman to prepare a paper containing a list of substantive subjects and issues as a guidance for the Conference. In this regard you would note that delegations are encouraged to send their suggestions to the Chairman by the end of May in order to facilitate the preparation of the paper.

The Conference has also agreed on its documentation requirements. The Secretariat has taken note of these requests and with the cooperation of the Food and Agriculture Organization of the United Nations (FAO) it is expected that the documentation will be made available to participants well in advance of the Conference in July.

Having completed the housekeeping part of the work during this session, we now have to look ahead to the substantive issues before the Conference.

The international community recognizes that there are long-standing problems relating to high seas fisheries, in particular with reference to straddling fish stocks and highly migratory fish stocks. These problems have now become urgent, hence the convening of this Conference. It is worth reminding ourselves that the international community has not only asked us to address these festering problems, but to collectively find effective solutions to them. In doing so, we are required to give full and faithful effect to the

provisions of the 1982 Convention on the Law of the Sea, so that high seas fishery can continue to produce maximum sustainable yield, having regard to the environmental, economic and other factors as provided for in the Convention.

I therefore urge you, during the period between now and the next session, to give thought to the substantive issues that we are to consider so that when we reconvene we can begin our work in earnest.

While it is natural that national, bilateral or subregional experiences influence our thinking on matters of substance, we must not overlook the fact that we are addressing the problems of straddling fish stocks and highly migratory fish stocks from a global perspective and within the framework provided in the provisions of article 63, paragraph 2, article 65 and article 116, subparagraph (b), of the Convention. The solutions that we should seek, therefore, should be of global application, and at the same time adaptable to specific regional characteristics and circumstances.

During this organizational session our work has been carried out in a very positive, constructive and cooperative manner. The manner in which we resolved some difficult issues in our consideration of the rules of procedure, in my opinion, augurs well for the future of the Conference. I am confident that the spirit of compromise which was so amply demonstrated at the informal consultations on the rules of procedure and on the organization of our work will continue into the next phase of our work.

I thank you very much for the cooperation and assistance that you have rendered to me during this session. You have certainly made my task as the Chairman of this Conference much easier.

I wish those of you who are returning home a <u>bon voyage</u> and I look forward to working with all of you at the next session.

I also wish to thank the Secretariat for their valuable services.